

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD OLIVER,

Petitioner,

MICHAEL BARONE, et al.,

Respondent.

Civil Action No. 08-11 Erie

MEMORANDUM ORDER

This habeas action was received by the Clerk of Court on January 10, 2008.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on January 22, 2008, recommended that Petitioner's motion for leave to proceed *in forma pauperis* be denied and that his complaint be dismissed without prejudice to Petitioner's right to pay the filing fee of \$5.00 before February 22, 2008. Petitioner was allowed ten (10) days from the date of service to file objections and service was made by certified mail. No objections were filed. By order dated February 5, 2008, Petitioner's motion to extend the time to pay the filing fee [Doc. No. 3] was granted, and Petitioner was allowed until March 3, 2008 in which to pay the filing fee. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of February, 2008;

IT IS HEREBY ORDERED that Petitioner's motion for leave to proceed *in forma pauperis* is DENIED and Petitioner shall pay the filing fee on or before March 3, 2008. The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on January 22, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge